IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4485 OF 2005

1. Salim Khan.
2. Irfan Khan s/o. Salim Khan. ... Applicants.

Versus.

State of Maharashtra. ... Respondent.

Shri A.M.Sarogi for the Applicants.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 19th July, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicants and the learned A.P.P. for the State.

2. Offence alleged against the Applicants is under sections 326, 323, 324, 322 read with section 34 of the Indian Penal Code. The learned Counsel for the Applicants submitted that the vehicle allegedly belonging to the Applicants is a Maruti Van and in the F.I.R. it is described as Maruti Motor Car. He submitted that even the description of the persons involved in the offence given in the F.I.R. is not matching with the Applicants. He submitted that taking whatever is stated in the F.I.R. as true, custodial interrogation of the Applicants is not required.

3. The learned A.P.P. has placed the necessary

material on record. The learned A.P.P. brought to my notice the material collected during the interrogation.

4. The allegation against the Applicant is that he deliberately stopped a taxi and got down from the vehicle and started assaulting the taxi driver. One of the Applicants took out an iron rod from his vehicle and he attempted to assault the first informant by iron rod when a Police Constable tried to intervene. As a result the Police Constable suffered fracture of the wrist. One of the Applicants also allegedly assaulted the brother of the first informant with iron rod.

5. These are the allegations against the Applicants. Considering the gravity of the offence, it cannot be said that custodial interrogation is not required. No case is made out for grant of anticipatory bail. The Application is rejected.

6. It is made clear that the observations which are made in this order are for the limited purpose of considering the prayer for grant of anticipatory bail.

7. On the request made by the learned Counsel appearing for the Applicants, time of four days is granted to the Applicants to surrender.

Judge.